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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,196	07/06/2000	Denise E. Smith	ATL99003	5114

25537 7590 12/09/2002

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EXAMINER

BARNIE, REXFORD N

ART UNIT PAPER NUMBER

2643

DATE MAILED: 12/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/611,196

Applicant(s)  
SMITH ET AL.

Examiner  
REXFORD BARNIE

Art Unit  
2643



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Mar 11, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-30 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

REXFORD N. BARNIE  
PATENT EXAMINER

R. Barnie  
12/04/02

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## DETAILED ACTION

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-6 and 28-30 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over figs. 1-6 of US D454,910S. They are not patentably distinct from each other because the shown design patent meets the claimed limitations.

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3. Claims 7-27 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over figs. 1-6 of US D454,910S in view of Small (US Pat# 5,513,117) or Stich (US Pat# 5,760,381) or Kim (US Pat# 6,269,158) or Fonseca (US Pat# '977 or '447) or Michels et al. (D310386, cited by applicant). The drawings shown in the figs. have the same physical attributes except the limitation that the card can have personalized information encoded on the cards wherein the personalized information according to subsequent claims includes a company logo, personal expression and a photograph or information specified by a user. The secondary references teaches the possibility of having a card with a company logo, any desired advertising information or a customized identifier information.

(Fig. 7) of D310386 teaches a customized company logo on a card.

Fonseca teaches a calling card with a possibility of personalized information associated with a prepaid account (see column 7 lines 17-23 of '977 or figs. 8-12 of '477).

Stich et al. (US Pat# 5,760,381) teaches a prepaid card with indicia and/or graphics disposed on the card which according to (column 6) could be any desired attraction information. The graphics and/or indicia could be any information since there is no restriction on the type of information.

Kim (US pat# 6,269,158) teaches a calling card with information disposed on the card "Dinosaur world or Dinosaur KIT".

Small (US Pat# 5,513,117) teaches a calling card with any personalized message or information wherein the information could be any desired graphics and so forth..

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***Claim Rejections - 35 U.S.C. § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

5. Claims 7-10, 12, 16, 17-20, 22 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Stich et al. (US Pat# 5,760,381).

Regarding claims 7-10 and 12, Stich teaches a pre-paid system wherein a plurality of cards can be generated with a PIN. Stich et al. teaches a pre-paid calling card comprising of calling card portion and a key ring portion wherein the key ring portion is separable by means (30) from a calling card portion (see figs. 1-9). Stich teaches the card could comprises of graphics and indicia. Stich teaches a hole which would enable one to insert in a key ring. Note that any attachment with a sizeable hole can be fitted with a key ring, if desired. Stich teaches perforation (see 5-7 and column 4 lines 37-38).

Regarding claim 16, A plurality of blank cards will be needed after which account information can be imprinted on this cards for use as pre-paid cards and so forth. The physical card taught by Stich would made by a manufacturing company with the conventional hardware

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and software means for printing pre-paid cards. Furthermore, see the explanation as set forth in the rejection of claim 7.

Regarding claims 17-18, Stich teaches a prepaid card comprising of a first and second portion wherein the second portion comprises a key tag portion.

Regarding claim 19, Stich teaches a prepaid calling card multipurpose package.

Regarding claim 20, Stich teaches at least company logo, personal expression and a photograph which reads on the printing of graphics and/or indicia to make the package attractive as taught by Stich.

Regarding claim 22, A computer apparatus or means would generate these cards. Note "customization" is not limited to either the user or the manufacture according to the claim.

Regarding claim 23, see the (fig. 8 of Stich).

6. Claims 7-10, 12, 13, 14, 15-22 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Klure (US Pat# 6,328,341).

Regarding claim 7-10, 12 and 15, Klure teaches arguably manufacturing a plurality of cards usable by a plurality of users. Klure teaches a prepaid calling card (see column 1 lines 8-13) comprising of a calling card and a key portion separable from each other by a perforation (see figs 1-7). Klure teaches in (column 3 lines 31-33) that pictorial or photographic and other information designed to attract purchasers can be associated with the pre-paid calling card. Klure teaches a hole in (figs. 1-7) and a perforation separating a key ring portion from a calling card

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portion. Klure teaches in (figs. Fig. 3) the claimed limitation comprising of a key ring portion with an identification number and also, a calling portion with an identification number.

Regarding claims 13-14, Klure teaches in (fig. 3), an identification number imprinted on both a key ring portion and a calling card portion.

Regarding claim 16, A plurality of blank cards will be needed after which account information can be imprinted on this cards for use as pre-paid cards and so forth. The physical card taught by Klure would made by a manufacturing company with the conventional hardware and software means for printing pre-paid cards. Furthermore, see the explanation as set forth in the rejection of claim 7. Note, the customization could be directed to the specification of the manufacturer of the cards. Note "customization" is not limited to either the user or the manufacture according to the claim.

Regarding claims 17-21, see the explanation as set forth in the rejection of claim 7. Klure teaches in (column 1 lines 8-13) that the card package comprises a calling card, a key tag portion (see figs.), the possibility of having pictures or pictorial artwork to attract purchasers (see column 3 lines 30-33) and identification number on both portions of a card package (see figs.).

Regarding claim 22, A computer apparatus or means would generate these cards. Note "customization" is not limited to either the user or the manufacturer according to the claim.

7. Claims 7-11, 15 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim (US Pat# 6,269,158).

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Regarding claims 7-11 and 15, Kim teaches a plurality of calling card be manufactured and sold to users with PINs which makes it possible to authenticate users based on a unique account number which would be debited based on usage. Furthermore, Kim teaches a calling card with other purposes (see column 1 lines 5-10) including advertising, scenic photographs, images and so on (see column 3 lines 45-50). According to (see figs. 1-10), a key ring portion (see column 3 lines 36-38) can be separated from a calling card portion by means of perforation. The card would have a conventional size according to drawings with a PIN (see column 3 lines 51- 64 and column 4 lines 57-63). Note the hole taught by Kim can receive a key ring, if desired by a party. Kim teaches either a calling card which could be a credit card adapted for making phone calls and/or pre-paid

Regarding claim 22, A computer apparatus or means would generate these cards. Note “customization” is not limited to either the user or the manufacture according to the claim.

***Claim Rejections - 35 U.S.C. § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-4, 11 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stich et al. (US Pat# 5,760,381).



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Regarding claims 1 and 28, Stich et al. teaches a pre-paid calling card comprising of calling card portion and a key ring portion wherein the key ring portion is separable by means (30) from a calling card portion (see figs. 1-9). Stich fails to teach the possibility of customizing the size of multipurpose package to that of a conventional calling card. However, it would have been obvious to one of ordinary skill in the art and a matter of design choice to customized the multi-purpose package or card to any desired size based on cost considerations since such a modification would have involved a mere change in the size of the component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

Regarding claim 2, Stich teaches the card could comprises of “any” graphics and indicia (see column 6 lines 25-35). There is no restrictions on the graphics and/or indicia

Regarding claim 3, Stich teaches a hole which would enable one to insert in a key ring. Note that any attachment with a sizeable hole can be fitted with a key ring, if desired.

Regarding claim 4, Stich teaches perforation (see 5-7 and column 4 lines 37-38).

Regarding claim 11, It's well known to use credit card for making telephone calls and would have been obvious to one of ordinary skill in the art to incorporate the teaching to include any card means including gift cards, stored value cards, pre-paid cards, credit cards and so forth.

Regarding claim 29, The number of perforations on a card is not an inventive step but rather a design choice and for the explanation on design choice, see the explanation as set forth in the rejection of claim 1.

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10. Claims 1-4, 6, 11 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klure (US Pat# 6,328,341).

Regarding claims 1 and 28, Klure teaches a prepaid calling card (see column 1 lines 8-13) comprising of a calling card and a key portion separable from each other by a perforation (see figs. 1-7). Klure fails to teach the possibility of customizing the size of multipurpose package to that of a conventional calling card. However, it would have been obvious to one of ordinary skill in the art and a matter of design choice to customized the multi-purpose package or card to any desired size based on cost considerations since such a modification would have involved a mere change in the size of the component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

Regarding claim 2, Klure teaches in (column 3 lines 31-33) that pictorial or photographic and other information designed to attract purchasers can be associated with the pre-paid calling card.

Regarding claim 3, Klure teaches a hole in (figs. 1-7).

Regarding claim 4, Klure teaches in (figs. 1-7), a perforation separating a key ring portion from a calling card portion.

Regarding claim 6, Klure teaches in (figs. Fig. 3) the claimed limitation comprising of a key ring portion with an identification number and also, a calling portion with an identification number.

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Regarding claim 11, It's well known to use credit card for making telephone calls and would have been obvious to one of ordinary skill in the art to incorporate the teaching to include any card means including gift cards, stored value cards, pre-paid cards, credit cards and so forth.

Regarding claim 29, The number of perforations on a card is not an inventive step but rather a design choice and for the explanation on design choice, see the explanation as set forth in the rejection of claim 1.

11. Claims 1-4, 11 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (US Pat# 6,269,158)

Regarding claim 1, Kim teaches a calling card with other purposes (see column 1 lines 5-10) including advertising, scenic photographs, images and so on (see column 3 lines 45-50). According to (see figs. 1-10), a key ring portion (see column 3 lines 36-38) can be separated from a calling card portion by means of perforation. Kim fails to put a restriction on the size of the multipurpose calling and the possibility of the multi-purpose calling card being the size of a conventional calling card is not restricted .

However, it would have been obvious to one of ordinary skill in the art and a matter of design choice to customized the multi-purpose package or card to any desired size based on cost considerations since such a modification would have involved a mere change in the size of the component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

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Regarding claim 2, Kim teaches a multi-purpose calling card with advertising, scenic photographs, images and so on (see column 3 lines 45-50).

Regarding claim 3, Kim teaches a multipurpose calling card with a section with a hole which can accommodate a key ring (see figs.).

Regarding claim 4, Kim teaches a perforated section separate a key ring portion from a calling card portion (see fig. 1).

Regarding claim 11, It's well known to use credit card for making telephone calls and would have been obvious to one of ordinary skill in the art to incorporate the teaching to include any card means including gift cards, stored value cards, pre-paid cards, credit cards and so forth.

Regarding claim 28, see the explanation as set forth in the rejection of claim 1 because the shown apparatus would be manufactured by using a manufacturing method.

Regarding claim 29, The number of perforations on a card is not an inventive step but rather a design choice and for the explanation on design choice, see the explanation as set forth in the rejection of claim 1.

12. Claims 1-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holstrom (US Pat# 5,570,081, cited by applicant) in view of Stich, Kim or Klure or Taskett (US Pat# 5,684,291).

Regarding claim 1, Holstrom teaches a multipurpose card which can be encoded with information identifying a stolen article, functions as a key tag or holder and can be used to call a telecommunication system (see fig. 2) comprising of two portion key ring portion and a

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subsequent card portion with account identifier encoded on both card portions (see fig. 1).

According to Holstrom, the two portions are attached together by means of a groove which enables one to also separate the two parts. Holstrom teaches a groove through which the two portion can be interconnected or separate and not a perforation interconnected the two parts and also through which the two parts can be separated. However, according to Holstrom, the two piece detachable card can be made of paper. It's notoriously well known to have a two piece card separable by means of perforation and Taskett teaches a prepaid telephone card with perforations which makes it possible to separate a two-piece calling card (see figs. 2-3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that if the calling card happens to be paper for instance, then it can be separated by means of perforations which is functionally equivalent to the groove as taught by Holstrom.

Furthermore, it would be a design choice as to the size of the multipurpose card.

13. Claims 13, 14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim or Stich in view of Fonseca (US Pat# 5,629,977).

Regarding claims 13, 14 and 21, The primary reference fails to teach the claimed subject matter but Fonseca teaches a calling card in conjunction with a greeting card wherein (see fig. 4), an account number + PIN (see column 4 lines 23-44) can be printed on two section separable by perforation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Fonseca into that of the primary reference thus

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making it possible to still make calls by using a separated portion of a prepaid calling card without having to carry the entire card or in case one loses one portion of the card, one can still have a portion with an account identifier

14. Claims 15, 25, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim or Klure or Stich in view of {Fonseca (US Pat# 5,640,447) or Small (US Pat# 5,513,117)} or vice-versa "Small" in view of (Klure or Kim or Stich).

Regarding claims 15 and 25, Kim or Klure or Stich fails to teach customizing a calling card but Fonseca teaches a prepaid calling card which can be customized specific to a user (see column 7 lines 17-32).

Small teaches a computer apparatus for customizing a card which can be used for telecommunications services as well by using blank cards (see abstract and entire disclosure).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Small or Fonseca into that of (Kim, Klure or Stich) thus making it possible to customize a card as desired by a user.

Regarding claim 25, (Kim or Klure or Stich) teaches a card with two portions namely; a key ring portion and a calling card portion which in view of Small, if considered as blanks cards stored in the machine taught by Small, can be modified or customized to include any desired information

Regarding claims 26-27, the combination teaches the claimed limitations.

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15. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim or Klure or Stich in view of Raming (US Pat# 6,186,554) or Marc-Williams et al. (US Pat# 6,385,860) or Bishop (US Pat# 5,607,738)

Regarding claim 30, The limitation is not specifically taught by the primary references but the examiner takes official notice that it's well known to place instructions such as "tear along the perforated line" or something to that effect where there is perforation(s) separating two portions of an article. The applicant challenged the examiner to produce a reference if the rejection is upheld and the examiner has cited a reference (see figs. of Raming) or (figs. 1-2 of Bishop) or (see figs. of MarcWilliams and column 3 lines 18-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate this teaching into that of the primary references as means of guiding a user on how to tear or separate two portions of an article or providing a label converging the two-piece perforated piece.

***Response to Arguments***

16. Applicant's arguments filed on 10/16/2002 have been fully considered but they are not persuasive. .

(I) The applicant argued that the double patent rejection in view of D454,910 is improper. The examiner disagrees because the reference in question teaches all the claimed limitations (see figs.). Thus, the explanation as set forth in the rejection is believed proper and permissible.

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(II) The applicant argued that the prior art of record (Stich) fails to teach a key tag and also, the customized personal information.

The arguments were addressed by the examiner in the previous office action. The examiner believes the explanation as set forth in the rejection of the claimed subject matter is believed proper and permissible on the following basis. The prior art of record teaches a hole through which a key can be inserted. Furthermore, it's known to have elements with holes such as badge ID with holes which can serve as a key ring as desired by a user. Furthermore, the applicant argued that the prior art of record fails to teach a personal customized card information. The examiner strongly disagrees because this limitation is clearly anticipated by Stich who teaches the possibility of having graphics and/or indicia (see fig. 8 and column 6) on a card to make it attractive to purchasers. Graphics and/or indicia have a broad meaning and thus reads on promotional information, photographs, personal expressions of the card manufacturer since the claimed limitation does not restrict this information to a specific entity. The applicant argued that even if the card package has graphics and/or indicia on the card, it still does not teach a card customized to received personal information, the examiner disagrees because the personalized information could be a company logo of the manufacturer, card supplier or photo inferred from the dependent claims which is still met by the teaching of Stich. The fact that the card is personalized by a user is not directed to the claimed subject matter. For that, a different ground of rejection was applied using Small or Fonseca.



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(III) The applicant argued that the prior art of record (Stich) fails to teach a key tag and also, the customized personal information.

The examiner disagrees the explanation as set forth in the rejected claimed subject matter is believed proper and permissible.

The examiner strongly disagrees because Klure teaches a package with a perforations which makes it possible for one to separate a calling card portion from a second portion with a hole through which a key ring can be held. The limitation concerning a key tag portion is met by the rejection based on what's shown in the figs. taught by Klure given the fact that the key tag portion taught by the present invention is a hole within a section of a card package to hold a key ring. The applicant's key-tag is a hole within the card elements through which a key or any element for that matter can be inserted. The examiner strongly disagrees because Klure teaches a calling card assembly or package which can include attractive pictorial or photographic artwork and other information designed to attract purchases, this reads on photographs customized by the manufacturer or suppliers. The fact that the card is customized by the purchaser or user is not directed to the claimed subject matter and even that is rendered obvious by the explanation as set forth using Fonseca or Small. Customized could be any information associated with the card manufacturer such as logos, advertisement and so forth.

(IV) see the examiner's explanation and response in response to applicant argument's in the previous office action.

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(V) The applicant argument's in response to the 103 rejection as set forth regarding Stich or Kim or Klure is not persuasive because a change in size is generally recognized as being within the level of ordinary skill. Therefore, the explanation as set forth in the rejection of the claimed subject matter is believed to be proper and permissible.

(VI) The applicant argued that the explanation as set forth using Holstrom does not render the claimed subject matter obvious.

The examiner disagrees because Holstrom teaches a card which can be used for calling purposes. Furthermore, Holstrom clearly show two portions of the card wherein one portion has a key ring. The card can be used in making a call over a telephone network to a destination terminal by dialing a destination number on the card. The combination as set forth regarding Taskett renders the claimed subject matter obvious in the sense that the combination teaches the possibility of having two card portion wherein the card portions can be separated with one portion (perforation or grooves and so forth) being able to hold a key chain or tag.

(VII) The applicant argued the combination as set forth regarding claim 30 including MacWilliams or Bishop or Raming is improper or fails to render the claimed subject matter obvious.

The combination including MacWilliams teaches the possibility of providing a cover on a perforation to cover it and alignment. The examiner therefore believes the explanation as set forth is proper and permissible.

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*Response to Arguments*

17. Applicant's arguments filed on 03/11/02 have been fully considered but they are not persuasive. .

The applicant argued the following arguments in regard to the explanation as set forth in the rejection of the claimed subject matter.

(I) The applicant argued that the prior art of record (Stich) fails to teach a multipurpose calling with a conventional calling card size.

See the new grounds of rejection as set forth in the explanation of the rejected claimed subject matter. The fact that the card package has a conventional calling card size is only limited to claim 1 thus the previous rejection of the other claimed subject matter using Stich is believed proper and permissible.

(II) The applicant argued that Stich fails to teach a promotional information, personal expressions or photographs.

The examiner strongly disagrees because this limitation is clearly anticipated by Stich who teaches the possibility of having graphics and/or indicia (see fig. 8 and column 6) on a card to make it attractive to purchasers. Graphics and/or indicia have a broad meaning and thus reads on promotional information, photographs, personal expressions of the card manufacturer since the claimed limitation does not restrict this information to a specific entity. Even if the card package has graphics and/or indica on the card, it still does not teach a card customized to received personal information the applicant argued, the examiner disagrees because the

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personalized information could be a company logo of the manufacturer, card supplier or photo inferred from the dependent claims which is still met by the teaching of Stich. The fact that the card is personalized by a user is not directed to the claimed subject matter. For that, a different ground of rejection was applied using Small or Fonseca.

(III) The applicant argued that the prior art of record fails to perforation between a debit card and a key tag portion.

Again, the examiner strongly disagrees because even though, arguably, the card package might not be the size of a conventional calling card, it does show perforation between a calling card portion and a key tag portion (see figs.).

(IV) The applicant argued that Klure fails a multipurpose calling card package with a calling card portion and a keytag portion.

The examiner strongly disagrees because Klure teaches a package with a perforations which makes it possible for one to separate a calling card portion from a second portion with a hole through which a key ring can be held. The limitation concerning a key tag portion is met by the rejection based on what's shown in the figs. taught by Klure given the fact that the key tag portion taught by the present invention is a hole within a section of a card package to hold a key ring

(V) The applicant argued that the prior art of record (Klure) fails to teach a multipurpose calling with a conventional calling card size.

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See the new grounds of rejection as set forth in the explanation of the rejected claimed subject matter. The fact that the card package has a conventional calling card size is only limited to claim 1 thus the previous rejection of the other claimed subject matter using Klure is believed proper and permissible.

(VI) The applicant argued that the prior art of record (Klure) fails to teach a calling card which can be customized to include a company logo, personal information and personal information.

The examiner strongly disagrees because Klure teaches a calling card assembly or package which can include attractive pictorial or photographic artwork and other information designed to attract purchases, this reads on photographs customized by the manufacturer or suppliers. The fact that the card is customized by the purchaser or user is not directed to the claimed subject matter and even that is rendered obvious by the explanation as set forth using Fonseca or Small.

(VII) The applicant argued that the claimed limitation comprising of 5 or 6 perforations is not taught by Klure. The applicant concedes that even though, Klure teaches perforations separating card portion and a key tag portion, he fails to teach limiting the number of perforations to 5 or 6, however, it would be a matter of design choice to limit the perforations to a certain number desired by the manufacturer..

(VIII) The applicant argued that Kim fails to teach a conventional calling size.

See the new grounds of rejection as set forth in the explanation of the rejected claimed subject matter. The fact that the card package has a conventional calling card size is only limited

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to claim 1 thus the previous rejection of the other claimed subject matter using Kim is believed proper and permissible.

(IX) The applicant argued that the prior art of record (Kim) fails to teach a calling card package having a calling portion and a key ring portion.

The examiner strongly disagrees because Kim teaches card assembly with two portion, namely one with a hole which can hold a key ring and another device thus the claimed limitation is met given the fact that applicant's disclosure including drawings merely teaches a hole through which a key ring can be passed through and held in place accordingly

(X) Kim teaches customizing card package to include information such a logo such as Dinosaur world or Kit or a company mark (see fig. 7, column 4 lines 50-51).

(XI) The explanation as set forth using Fonseca or Small is believed proper and permissible because Fonseca or Small teaches the possibility of a user customizing a calling card package to include any desired information thru rendering the rejected claimed subject obvious.

### ***Conclusion***

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

19. Any inquiry concerning this communication or earlier communication from the examiner should be directed to REXFORD BARNIE whose telephone number is (703) 306-2744. The examiner can normally be reached on Monday through Friday from 8:30 to 6:00p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to (703) 872-9314 and labeled accordingly (Please label

**"PROPOSED/INFORMAL" or "FORMAL"**).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 306-0377.

Rexford Barnie  
Patent Examiner  
RB 12/04/02.

*R. Barnie*  
REXFORD N. BARNIE  
PATENT EXAMINER